IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2916 OF 2005

IN

ARBITRATION PETITION NO.410 OF 2000

M/s.Prabhat General Agencies & others. ... Petitioners.

vs.

Karnataka Bank Ltd. .... Respondents.

Mr.K.P.Jain i/b. Mehta & Girdharilal, for Petitioners.

Ms.Yamini Chhatre i/b. Uma Shetty & Co. for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 7th December, 2005

P.C.:-

1. This is a notice of motion taken out by the petitioners for restoration of the petition which is dismissed for default. Though the reasons given by the petitioners for not remaining present before the Court and not engaging a Lawyer can by no stretch of imagination is termed as sufficient cause, but still because the petitioners have expressed their willingness to pay substantial cost of Rs.50,000/- to the respondent no.1-Karnataka Bank, in my opinion, the following order

would meet the ends of justice:-

(i) Notice of Motion is granted in terms of prayer clause (a) subject to the condition that within a period of Three weeks from today, the petitioners shall pay to the respondent no.1 Karnataka Bank Ltd. an amount of Rs.50,000/- as and by way of cost of this Notice of Motion.

(ii) In case the amount of cost is not paid within the aforesaid period, this notice of motion shall be treated as dismissed.

Notice of Motion is disposed of.